

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	Criminal No. 1:07-CR-0060 (3)
	:	
Plaintiff,	:	
	:	
	:	Judge Beckwith
v.	:	
	:	
PAUL H. VOLKMAN,	:	
	:	
Defendant.	:	

**MOTION IN LIMINE TO PRECLUDE GOVERNMENT FROM REFERRING TO
DEFENDANT AS “MR. VOLKMAN”**

Now comes Defendant, Dr. Paul Volkman, by and through counsel, and respectfully moves this honorable Court to require the Government to refer to the Defendant as “Dr. Volkman,” rather than “Mr. Volkman” during the trial. Undersigned counsel has noticed that during various court proceedings and conversations with defense counsel in this case, the Government continually refers to the Defendant as “Mr. Volkman.” However, as this Court is aware, a person earns the title of “Dr.” when they receive an M.D. or a PhD. It is not in dispute that Defendant earned both of these titles, M.D. and PhD. Furthermore, this Court has precluded the Government from arguing to the jury that Defendant’s medical and DEA licenses have been suspended “because the different standards of review and proof in these administrative actions may pose a danger of confusion and undue prejudice.” (Dkt # 200, Order at 6).

The Government is purposely referring to the Defendant as “Mr. Volkman” to make the point to this Court and to the jury that he was not acting as a doctor. Allowing the Government to call the Defendant “Mr. Volkman” in front of the jury is simply incorrect and will be extremely prejudicial. Accordingly, Defendant moves this Court to require the Government to refer to him as “Dr. Volkman” during the trial.

Respectfully submitted,

/s/ Wende C. Cross

Wende C. Cross (Ohio Bar No. 0061531)

W.C. Cross & Associates, LLC

3460 Reading Road

Cincinnati, Ohio 45229

(513)861-7100

(513) 861-7101 fax

wendecross@fuse.net

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/s/ Candace C. Crouse

CANDACE C. CROUSE (Ohio Bar No. 0072405)

Strauss & Troy, LPA

The Federal Reserve Building

150 East Fourth Street

Cincinnati, Ohio 45202-4018

Telephone (513) 621-2120

Facsimile (513) 241-8259

cccrouse@strausstroy.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via this Court's electronic filing system on all counsel of record on this 24th day of February, 2011.

/s/ Candace C. Crouse

CANDACE C. CROUSE (Ohio Bar No. 0072405)